

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bell *et al.*

Confirmation No.: 7498

Appl. No. 10/743,649

Art Unit: 1645

Filed: December 23, 2003

Examiner: R. Zeman

For: **ONCOLYTIC VIRUS**

Atty. Docket: 1800-D2

Cust. No. 31976

Declaration Under 37 CFR § 1.131

We, John C. Bell, David F. Stojdl, Harold L. Atkins and Brian D. Lichty, do hereby declare and state:

1. We are the inventors of the subject matter described in the above identified utility patent application as claimed in all of the claims 1, 3, 7, 9-15, and 17-20, as amended by the Amendment as submitted herewith.

2. The subject matter of claims 1, 3, 7, 9-15, 17-20, as submitted herewith, was conceived and reduced to practice by us before September 16, 1999. As evidence of this fact, attached hereto as Exhibit 1 are copies of laboratory notebook pages showing the use of this invention. The dates have been redacted on these copies.

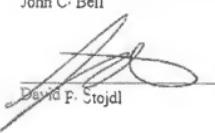
3. The experiment described in Exhibit 1, was performed in Canada.

4. Exhibit 1 shows an experiment comparing administration of VSV virus or cells infected with the VSV virus to melanoma tumor cells in a mouse. For example, the first page of Exhibit 1 in the upper left section shows a diagram depicting administration of "infected cells" or "purified virus" to tumor cells in a mouse.

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date


David F. Stojdl

Jan 3, 2008
Date

Harold L. Atkins

Date

Brian D. Lichty

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date

David F. Stojdl

Date

Harold L. Atkins

Date



Brian D. Lichy

December 19, 2007

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date

David F. Stojdl

Date

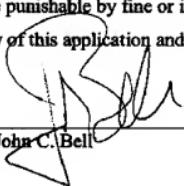

Harold L. Atkins


Date

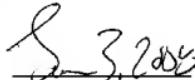
Brian D. Liechty

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.



John C. Bell



Date

David F. Stojdl

Date

Harold L. Atkins

Date

Brian D. Lichy

Date

Exhibit 1

REDACTED

EXPI. NO.	ASSAY	NOTES	DATE
10	5x10 ⁶ /ml	Red Cells Purified Virus Red Batt + <i>Boyle's</i> ① 75 ③ ⑤ 10 ml ⑦ ② 25 ④ ⑥ ⑧ 5x10 ⁶ /ml	[REDACTED]
①	4.2 x 4.9	20.6	
②	5.7 x 5.7	32.5	
③	6.6 x 6.6	43.6	
④	5.2 x 5.2	27	
[REDACTED] following compounds are over 1000 units of Intrinsic Activity ① 1,4-phenylene			
⑤	0.1 x 0.1	118.8	[REDACTED] ⑥ 6.4 x 6.3 40.3
⑥	9.4 x 9.7	9.6	① 6.8 x 6.8 46.2
⑦	5.2 x 5.5	28.6	② 2.7 x 3.1 (or less) 8.4
⑧	4.1 x 5.1	26	③ none
①	6.9 x 7.0	48.5	④ 12.7 x 10.7 114.5
②	5.4 x 4.9	28.8	⑤ 11.6 x 11.6 134.6
③	9.6 x 6.8	29.0	⑥ 4.5 x 4.5 20.3
			⑦ 6.7 x 6.7 41.9
SIGNATURE			

NAME	EXP NO	ASSAY	NOTES
PURPOSE			
REDACTED			
DATE [REDACTED]			
Cage A			
7795 7596 7594 7593 7595			
Cage B			
7793 7786 7787 7788 7794			
Cage X			
7586 7587 7588 7589 7590			
All infected no. [REDACTED]			
16	WT		
	IFN 1x10 ⁵ units	[same pr.]	
	5x10 ⁴ USV IN		
27	WT	IFN 1x10 ⁵ IP	
	5x10 ⁴ USV IN		
24	WT		
	IFN 1x10 ⁵ units	[same pr.]	Cage
	5x10 ⁴ USV IN		
25	WT	IFN 1x10 ⁵ Cage 2 PIP	
	5x10 ⁴ USV IN		
29	WT		
	1x10 ⁴ USV		
30	IFN 1x10 ⁵ units	USV 5x10 ⁴	WT
THE INSERT COVER UNDER YELLOW SHEET BEFORE WRITING			
SIGNATURE			
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